

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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|---|---|----------------------------|
| PATTY BEALL, Individually and on Behalf | § | |
| of All Others Similarly Situated | § | |
| | § | |
| V. | § | CIVIL NO. 2:08-CV-422(TJW) |
| | § | |
| TYLER TECHNOLOGIES, INC., ET AL. | § | |

DOCKET CONTROL ORDER

In accordance with the case scheduling conference held herein on the 30th day of November, 2009, hereby

ORDERED that the following schedule of deadlines is in effect until further order of this court:

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| TBD | Bench Trial in Marshall, Texas |
| March 23, 2011 | Pretrial Conference - 1:30 p.m. in Marshall, Texas |
| March 18, 2011 | Joint Pretrial Order, Proposed Findings of Fact and Conclusions of Law from Plaintiff and Defendant. |
| March 4, 2011 | Pretrial Disclosures due |
| March 18, 2011 | Pretrial Objections due |
| January 28, 2011 | Discovery Deadline |
| January 28, 2011 | Mediation to be completed |
| January 19, 2011 | Response to Dispositive Motions (including <i>Daubert</i> Motions). ¹ |

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The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event

Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.

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|---------------------------|--|
| January 14, 2011 | Plaintiffs and Defendants to Identify Trial Witnesses, with the exception of rebuttal witnesses. |
| January 5, 2011 | For Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions. |
| December 2, 2010 | Defendant to Answer Amended Pleadings |
| November 18, 2010 | Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after November 18, 2010). |
| September 24, 2010 | Deadline for Defendants to file Motion to Decertify the class. |
| September 24, 2010 | Challenge to Experts on certification issue. |
| September 10, 2010 | Defendant to Designate Expert Witnesses on certification issue and for trial. Expert witness report due Refer to Local Rules for required information. |
| August 20, 2010 | Plaintiff to Designate Expert Witnesses on certification issue and for |

a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

trial.
Expert witness report due
Refer to Local Rules for required information.

March 8, 2010 Privilege Logs to be exchanged by parties
(or a letter to the Court stating that there are no disputes as to claims
of privileged documents).

February 15, 2010 Parties' Initial Disclosure of Documents.

February 1, 2010 Parties' Initial Disclosure of Information.

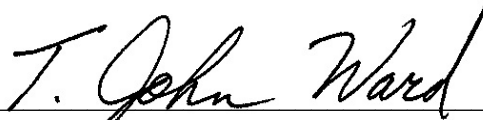
IT IS FURTHER ORDERED that the parties shall submit the name, address, telephone number and fax number of an agreed mediator to the Court within thirty (30) days from the date of the Scheduling Conference. If the parties are unable to agree, the Court will appoint a mediator in the above referenced case.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

- (c) the failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 27th day of December, 2010.

A handwritten signature in black ink, reading "T. John Ward". The signature is written in a cursive, flowing style. The "T" is large and prominent, with a long horizontal stroke that extends to the right. The "John" is written in a smaller, more compact cursive, and "Ward" follows in a similar style. The signature is positioned above a horizontal line.

T. JOHN WARD

UNITED STATES DISTRICT JUDGE